



General Assembly

Substitute Bill No. 5427

February Session, 2000

An Act Concerning Housing On Farmland.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Subsection (c) of section 8-30g of the general statutes is repealed and
2 the following is substituted in lieu thereof:

3 (c) Upon an appeal taken under subsection (b) of this section, the
4 burden shall be on the commission to prove, based upon the evidence
5 in the record compiled before such commission that (1) (A) the
6 decision from which such appeal is taken and the reasons cited for
7 such decision are supported by sufficient evidence in the record; (B)
8 the decision is necessary to protect substantial public interests in
9 health, safety, or other matters which the commission may legally
10 consider; (C) such public interests clearly outweigh the need for
11 affordable housing; and (D) such public interests cannot be protected
12 by reasonable changes to the affordable housing development or (2)
13 (A) the application which was the subject of the decision from which
14 such appeal was taken would locate affordable housing in an area
15 which is zoned for industrial use and which does not permit
16 residential uses, except, for the purposes of this subsection, it shall not
17 be considered a residential use where the owner of farmland located in
18 an area that is zoned for industrial use, transfers or sells one or more
19 parcels for construction thereon of a single-family residence or
20 residences, but at no time shall more than three single-family
21 residences be located on the entire amount of such farmland held by

22 the owner as of October 1, 2000, and (B) the development is not
23 assisted housing, as defined in subsection (a) of this section. If the
24 commission does not satisfy its burden of proof under this subsection,
25 the court shall wholly or partly revise, modify, remand or reverse the
26 decision from which the appeal was taken in a manner consistent with
27 the evidence in the record before it.

HSG Committee Vote: Yea 11 Nay 0 JFS C/R PD